

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, *ex rel.* )  
DAVID KESTER, *et al.* )  
Plaintiffs, ) Case No. 11-CIV-8196 (CM)  
)  
v. )  
)  
NOVARTIS PHARMACEUTICALS )  
CORPORATION *et al.* )  
Defendants. )  
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3/14/14

[PROPOSED] ORDER

Upon consideration of Plaintiff State of Indiana's Motion for Dismissal of Claims of the State of Indiana Against BioScrip, Inc., and good cause appearing therefore in light of the resolution with BioScrip reached by the states and in light of the declination by the State of Indiana and by the other government plaintiffs to intervene in the claims BioScrip, Inc., the public purposes served by the Indiana False Claims and Whistleblower Protection Act, and the best interests of the parties,

IT IS HEREBY ORDERED that the claims in this action of the State of Indiana against BioScrip, Inc. relating to the covered conduct described in paragraph E of their settlement agreement concerning this action with BioScrip, Inc. are dismissed with prejudice; and

IT IS HEREBY FURTHER ORDERED that all of the remaining claims of the State of Indiana against BioScrip are dismissed without prejudice.

IT IS SO ORDERED, this 14<sup>th</sup> of March, 2014.

  
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UNITED STATES DISTRICT JUDGE